

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06-cr-144-WKW
)	CR. NO. 2:08-cr-94-MHT
PAUL MEREZ GRAHAM)	
)	

United States's Unopposed Motion to Consolidate Sentencing Proceedings

The United States respectfully moves the Court to assign one U.S. District Court Judge to hear Defendant Paul Merez Graham's (1) sentencing for his drug and gun case with (2) his sentencing for his FEMA fraud proceedings in a new criminal case, which was just filed against him. Graham and the Government have come to a global settlement agreement to resolve both of these cases. Because the cases and the sentencings are necessarily interrelated, both parties desire a single U.S. District Court Judge to hear them together. The United States requests this relief for the following reasons:

1. On June 14, 2006, Graham was indicted on drug and gun charges in Case No. 2:06-cr-144-WKW. This indictment was later superseded twice, most recently on February 22, 2007. On April 28, 2008, Graham pleaded guilty to a variety of the gun and drug charges. His sentencing on this case is currently scheduled for July 22, 2008, in front of the Hon. W. Keith Watkins.

2. Separate and apart from his gun and drug charges, Graham has been the subject of an ongoing criminal investigation for the theft of FEMA funds. On April 24, 2008, the United Attorney's Office filed an Information charging Graham with four

counts of theft of government property in violation of 18 U.S.C. § 641. Graham pleaded guilty to these charges on April 30, 2008. The Information has been assigned a case number of 2:08cr094-MHT and is currently assigned to the Hon. Myron H. Thompson.

3. In an effort to resolve all of these matters simultaneously, Graham, Graham's attorney, and the Government have been involved in ongoing negotiations and discussions. These negotiations have been fruitful and have resulted in a global agreement.

4. For judicial economy and efficiency, both parties therefore desire that the two cases be resolved together. Additionally, Graham's attorney advises that his client also desires a speedy resolution so that he may be transferred into federal custody. As a result, Graham has no opposition to a consolidation of his two cases in front of a single judge.

5. Both parties therefore request the cases be consolidated to a single judge so that the sentencing issues may both be resolved at the same time. Such a procedure has been used before in this district, *e.g.*, *United States v. Humphrey*, Case No. 05-cr-133-MEF, at Doc. # 39 (M.D. Ala. 2006) and *United States v. Goldsmith*, Case No. 2:97-cr-183-MHT, at Doc. #111 (M.D. Ala. 2006) , and is a common procedure in other judicial districts. *See, e.g.*, Rule 15(d) for the Division of Business Among District Judges, S.D.N.Y., at 103, *available at* <http://www1.nysd.uscourts.gov/rules/rules.pdf> ("A defendant in a criminal case may move on notice to have all of his or her sentences in this district imposed by a single judge. All such motions shall be noticed for hearing before

the judge having the lowest docket number, with courtesy copies to be provided to the judge or judges having the cases with higher docket numbers.”); E.D.N.Y. Local Rule 50.3(c), at 91 *available at* <http://www.nyed.uscourts.gov/pub/docs/localrules.pdf> (having a similar provision with slightly more stringent wording).

Based on the facts stated above, the United States respectfully requests that the Court assign one U.S. District Court Judge to hear both of Graham’s sentencing hearings.

Respectfully submitted this 2nd day of May, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on May 2, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Michael Petersen.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney